



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WEST RIDGE RENTALS,

Plaintiff,

vs.

JOHN P. McGARR, et al.,

Defendants.

CASE NO. CV 13-8887 UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily, because it was removed improperly.

On December 3, 2013, Edwin Sequeira, who asserts that he is a defendant in what appears to be a routine unlawful detainer action in California state court,¹ lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover, because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

¹ Mr. Sequeira is not named as a defendant in the complaint he seeks to remove.

1 There is no basis for concluding that this unlawful detainer action could have been
2 brought in federal court in the first place, in that Mr. Sequeira does not competently allege
3 facts supplying either diversity or federal question jurisdiction, and therefore, removal is
4 improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S.
5 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). There is no basis for concluding that
6 the amount in controversy exceeds the diversity jurisdiction threshold of \$75,000, and the
7 complaint indicates that all parties are California residents. *See* 28 U.S.C.
8 §§ 1332, 1441(b). Nor does Plaintiff's unlawful detainer action raise any federal legal
9 question. *See* 28 U.S.C. §§ 1331, 1441(b).

10 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
11 Court of California, Los Angeles County, 275 Magnolia Avenue, Room 1201, Long
12 Beach, CA, 90802, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c);
13 (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the
14 Clerk serve copies of this Order on the parties.

15 IT IS SO ORDERED.

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17 DATED: 12/13/13

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21 GEORGE H. KING
22 CHIEF UNITED STATES DISTRICT JUDGE
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